

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14688, as amended, of Brenda D. Proctor, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to allow a child development center for 25 children, and 3 staff in an R-2 District at premises 4525 Edson Place, N.E., (Square 5132, Lot 820).

HEARING DATE: October 14, 1987

DECISION DATE: December 2, 1987

FINDINGS OF FACT:

1. The site, known as premises 4525 Edson Place N.E., is located on the south side of Edson Place between 46th and 47th Streets. The site is located in an R-2 District.

2. The site comprises approximately 6,325 square feet and is basically rectangular in shape with a frontage of 50 feet along Edson Place and a depth of approximately 126.5 feet. A 15 foot wide public alley is located to the rear of the site. The site is improved with a one-story detached masonry structure designed as a single family dwelling.

3. The R-3 District extends in all directions from the site. The area is developed primarily with single family dwellings, detached, semi-detached or row dwellings. A vacant site of approximately 6,475 square feet is located to the east of the site. A single family residence is located to the west of the site.

4. The applicant at the public hearing amended the application to a special exception to establish a child development center for 16 pre-school aged children, and nine school-aged children for a total capacity of 25 children instead of 20 children, ages 2 through 6. There will continue to be three staff, two full time and one part time.

5. The center will operate from 7:30 A.M. until 6:30 P.M. weekdays, year-round.

6. The children will be monitored on a daily basis by one Child Development Specialist and one Staff Aide who will jointly be supervised by a Program Director. Whenever possible, the supervision of the children will be supplemented by parents and other volunteer workers within the community. Both the teaching staff and the overall program will be certified under the Service Facility Regulation Administration of the Department of Consumer and Regulatory

Affairs as cited under the District Government Regulations No. 74-34, as amended.

7. The rear yard of the site contains approximately 1,990 square feet of space and will serve as the playground for the center. A five foot high closed-board fence will enclose the rear yard except to the east where the parking area will be located. This area will be separated by a four foot high board fence.

8. The off-street parking area measures 15 feet wide by 41 feet deep. This area will accommodate four vehicles. Curb parking is available in front of the site.

9. The Center proposes before and after school care for the school aged children. It is anticipated that the school aged children will walk to the site. Preschool children being transported to or from the center by car will be escorted by staff between the vehicles and the front of the structure.

10. The site is capable of meeting all requirements of the Service Facility Regulation Administration.

11. Outdoor play time for the preschool-aged children will be limited to the hours between 10:00 A.M. and 12 noon.

12. No off site play area will be provided.

13. No other child development center is located within 1000 feet of the site.

14. By memorandum dated September 21, 1987 the Department of Public Works (DPW) reported that it is of the opinion that the operation of the center will have a negligible impact on the surrounding street system. The Board concurs.

15. The letter dated November 12, 1987, Advisory Neighborhood Commission (ANC) 7D reported that persons in attendance at the ANC meeting of November 10, 1987 voted ten to seven to oppose the subject application. The ANC further reported that it is of the opinion that traffic problems will result from the establishment of the center. The Board does not concur.

16. Neighbors of the site testified or submitted a petition/letters to the record in opposition to the application on the grounds that traffic problems will result as reported by the ANC above. The establishment of a commercial use will result in further intrusions of commercial uses into the neighborhood. The Board does not concur and finds that the applicant is seeking a special exception for a use which is deemed compatible with residential uses subject to review by the Board.

CONCLUSIONS OF LAW AND OPINION

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 3108.1 and Section 205 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

The center is capable of meeting all applicable code and licensing requirements. The center will create no objectionable traffic conditions and no unsafe conditions for picking up and dropping off children. The center will provide sufficient off-street parking spaces. As conditioned below, the center shall be designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity or other objectionable conditions. No off-site play area will be provided. No other child development center is located within 1,000 feet of the site.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property. The Board accorded the ANC the "great weight" to which it is entitled.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS from the date of this order.
2. The number of children shall not exceed twenty-five, sixteen of which shall be pre-school aged children for all-day care and nine elementary school age for before and after school care. The number of staff shall not exceed three, two full-time and one part-time.
3. The hours of operation shall not exceed from 7:30 A.M. to 6:30 P.M., Monday through Friday.
4. Drop-off and pick-up of children shall be from Edson Place only. A staff member shall be assigned to assist in escorting children from vehicles to and from the facility.
5. The applicant shall encourage car pooling and the applicant shall institute drop-off and pick-up policies to be followed by its clients to ensure


the safe and orderly conduct of children to and from the facility.

6. The applicant shall provide for adequate and appropriate trash pick-up and snow removal for the facility.
7. Any sign used to advertise the use shall not exceed 144 square inches in area.
8. The on-site parking area at the rear of the site shall be paved in accordance with the recommendation of the Department of Public Works.
9. The applicant shall enclose the play area at the rear of the site with a stockade fence to ensure child safety and provide for visual and audio separation of the play area from adjacent and nearby residences.

VOTE: 3-2 (Maybelle T. Bennett, Carrie L. Thornhill and Paula L. Jewell to grant; William F. McIntosh and Charles R. Norris opposed to the motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAR 11 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14688

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAR 11 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Brenda Proctor
4525 Edson Place, N.E.
D.C. 20019


Christine White
4526 Edson Pl., N.E.
D.C. 20019

James Parks, Chairperson
Advisory Neighborhood Commission 7-D
Smothers School
44th & Brooks Streets, N.E., Room 305
Washington, D. C. 20019

A. Margaret Moore
4524 Edson Place, N.E.
D.C. 20019

Oneda Quatterbaum
4250 Edson Pl., N.E.
D.C. 20019

Jame F. Onley, Sr.
204 46th St., N.E.
D.C. 20019


EDWARD L. CURRY
Executive Director

DATE: MAR 11 1988